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**From:** Macy, Jim [jim.macy@nebraska.gov]  
**Sent:** 3/1/2021 6:28:26 PM  
**To:** Cozad, David [Cozad.David@epa.gov]; Chu, Ed [Chu.Ed@epa.gov]  
**Subject:** FW: (ICYMI) Media Release: Attorney General Doug Peterson Files Complaint Alleging Multiple Environmental Violations by AltEn, LLC.  
**Attachments:** 2021-03-01 Complaint.pdf

Filed today

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**From:** Gage, Taylor <taylor.gage@nebraska.gov>  
**Sent:** Monday, March 1, 2021 11:41 AM  
**To:** Gage, Taylor <taylor.gage@nebraska.gov>  
**Cc:** Pinkerman, Justin <Justin.Pinkerman@nebraska.gov>  
**Subject:** (ICYMI) Media Release: Attorney General Doug Peterson Files Complaint Alleging Multiple Environmental Violations by AltEn, LLC.

In case you missed it.

Best,

**Taylor Gage**

*Director of Strategic Communications*

**Office of Governor Pete Ricketts**

OFFICE 402-471-1970

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**From:** Lamb, Faith  
**Sent:** Monday, March 1, 2021 11:12 AM  
**Subject:** FOR IMMEDIATE RELEASE - Attorney General Doug Peterson Files Complaint Alleging Multiple Environmental Violations by AltEn, LLC.



## Attorney General Doug Peterson

# News Release

FOR IMMEDIATE RELEASE  
March 1, 2021

Today, Attorney General Doug Peterson filed a complaint in the District Court of Saunders County alleging multiple environmental violations by AltEn, LLC. AltEn is an ethanol plant located near Mead, Nebraska. The complaint alleges violations of the Nebraska Environmental Protection Act (NEPA), violations of the Integrated Solid Waste Management Act (ISWMA) and multiple violations of permit

conditions and includes violations of an order from the Director of the Nebraska Department of Environment and Energy (NDEE).

The Attorney General was joined in a press conference by Governor Ricketts and Jim Macy, Director of NDEE to discuss the court filing and to answer questions regarding concerns surrounding the Mead plant.

AltEn was originally permitted to produce ethanol using field corn as its primary feedstock. However, AltEn was using discarded treated seed corn rather than normal field corn to produce its ethanol. The treated seed corn resulted in byproducts that were contaminated with pesticides, including contaminated distillers grains and contaminated wastewater. In 2019, the Department of Agriculture determined that the distiller's grain contained pesticides, since then, AltEn has been prevented from land applying the distiller's grain as a soil conditioner.

AltEn has three primary lagoons on its property to hold its contaminated wastewater. At this time, AltEn has significant stockpiles of contaminated distiller's grain and is operating its lagoons at improperly high levels. NDEE has ordered AltEn to dispose of all of the contaminated distiller's grain and address the contaminated wastewater, but AltEn has failed to adequately do so. AltEn has consistently missed deadlines and failed to complete actions required by NDEE to fix the environmental problems at the facility. The stockpiles of distiller's grains and the poorly maintained lagoons present an ongoing threat to the environment.

The Complaint seeks:

- Proper disposal of the contaminated byproducts (distillers grains and wastewater)
- Compliance with State statutes, their permit conditions and the order of the Director
- Civil Penalties (NEPA authorizes \$10,000 per day per violation, subject to the court's discretion)

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Complaint attached.

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